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WESTERN DISTRICT OF WASHINGTON
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03-CV-02421-CMP

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MANSOUR FADAIE AND LISA GOULD- Case No.:
FADAIE, a martial community,

Plaintiffs,

vs.

ALASKA AIRLINES Inc., an Alaska
corporation, and ALASKA AIR GROUP
Inc., a Delaware Corp.,

Defendants.

C03-2421L

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF
JURY DEMAND

I. Nature of the Action

1.1 This action seeks damages and injunctive relief for wrongful discharge
in violation of public policy under Washington common law, retaliation under the
Washington Law Against Discrimination (RCW 49.60.180), and religious and national
origin discrimination under the Washington Law Against Discrimination (RCW
49.60.180 et. al.).

FADAIE COMPLAINT AND JURY DEMAND - 1

SHERIDAN & BAKER, P.S.

Attorneys at Law
Hoge Building, Suite 1200
705 Second Avenue
Seattle, WA 98104

Tel: 206-381-5949 Fax: 206-447-9206

ORIGINAL

II. Jurisdiction and Venue

2.1 This Court has jurisdiction under 28 U.S.C. §1332. Venue in this Court is proper as to the plaintiffs and all of the defendants under 28 U.S.C. §1391(a).

III. Parties

3.1 The Plaintiff, Mansour Fadaie, is a naturalized citizen of the United States residing in Edgewood, WA. Mr. Fadaie is Moslem and is of Iranian descent.

3.2 The Plaintiff, Lisa Gould-Fadaie, is a citizen of the United States residing in Edgewood, WA. Ms. Gould-Fadaie is the spouse of Mansour Fadaie.

3.3 Defendant Alaska Airlines, Inc. is, and at all times relevant to this complaint, was a corporation organized and operating under the laws of the State of Alaska, whose principal place of business is in Washington State. Its principal business, on information and belief, is air transportation.

3.4 Defendant Alaska Group, Inc., is and at all times relevant to this complaint, was a corporation organized and operating under the laws of the State of Delaware, whose principal place of business is in Washington State. On information and belief, it is a holding company, which owns Alaska Airlines, Inc. In this complaint, the defendants are jointly and individually referred to as "Alaska Air."

FADAIE COMPLAINT AND JURY DEMAND - 2

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Attorneys at Law
Hoge Building, Suite 1200
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Seattle, WA 98104
Tel: 206-381-5949 Fax: 206-447-9206

IV. Facts

4.1 Mr. Fadaie was born in Iran in 1952, and came to the United States in late 1977. Upon his arrival in the United States, Mr. Fadaie attended two years of college at Northeastern A&M, in Miami, majoring in electrical engineering. After an additional year and a half of study at Oklahoma University, Mr. Fadaie moved to Louisiana and attended Southern University, in Baton Rouge. He graduated from Southern University in 1982 with a Bachelor of Science degree in electrical engineering.

4.2 In 1983, Mr. Fadaie married Lisa Gould.

4.3 In 1987, Mr. Fadaie became a citizen of the United States.

4.4 In 1990, Mr. Fadaie was hired by Alaska Air as an avionics mechanic and was assigned to work at the Seattle hangar. Between 1990 and 1997, Mr. Fadaie conducted maintenance on jet aircraft at Alaska Air. The primary duty of mechanics working at the Seattle facility is airplane maintenance. Aside from Line Maintenance, mechanics perform two major types of scheduled maintenance checks, C Check and D Check.

4.5 C Check is generally an annual check. Production Control and the Planning Department schedule the overhaul work required on specific aircraft. There are many different sub-checks under the heading of C Check.

4.6 D Check is not as frequent as C Check. Work in this area is generally completed at five-year intervals. Production Control and Planning coordinate and

1 schedule the work to be done to each aircraft. There are different sub-checks under
2 the heading of D Check.

3 4.7 In 1997, Mr. Fadaie was promoted to supervisor. Mr. Fadaie was
4 assigned to work in the Base Maintenance/C and D Check department. His duties
5 included, but were not limited to, the general supervision of aircraft mechanics,
6 including work assignments, training, and evaluation. Mr. Fadaie was also responsible
7 for planning and subsequent coordination with other Alaska Air departments in the
8 completion of various engineering orders in relation to the work requirements of base
9 maintenance /C Check/D Check. As a supervisor, Mr. Fadaie often worked eighteen
10 hours per day. Mr. Fadaie loved his job and frequently came in on weekends even
11 though he was not scheduled to work.

13 4.8 In or about 1998, while conducting a C Check on a 737-200 at the
14 Seattle hanger, Alaska Air mechanics found cockpit corrosion on a beam under the
15 floor. The corrosion exceeded FAA or manufacturer safety limits. Had the plane been
16 allowed to fly, the corrosion on the beam could have jeopardized the safety of the
17 passengers and crew. The mechanics refused to certify that the plane was in proper
18 repair, and it was grounded. Alaska Air Director of Base Maintenance, Bob Hinman,
19 yelled at several supervisors saying, "Why did you let them look in that area? It was
20 not part of this check. That was for D Check. You didn't have to look there," or
21 words to that effect.

23 4.9 In 1998, Alaska Air hired Alan Flowers as Manager of the Component
24 Overhaul Shops. This department included the Machine, Interior, Fabrication and
25

1 Sheet Metal Shop, the Avionics, Battery, Wire Shop and Tool Crib. Mr. Flowers'
2 background was in sheet metal and he had no experience in Avionics. Alaska Air
3 management had some concerns about the problematic relationship between Mr.
4 Flowers and the supervisor of the Avionics Shop. A request was made to Mr. Fadaie
5 to trade positions with the supervisor. He agreed and Mr. Flowers became Mr.
6 Fadaie's immediate supervisor.

7 4.10 Under Mr. Flower's supervision, Mr. Fadaie supervised mechanics in
8 the Avionics Shop. "Bench work," or the troubleshooting and subsequent "in-house"
9 repair of electrical components used in Alaska Air's aircraft, was performed in this
10 work area. Equipment assigned to the Avionics Shop for repair included "black
11 boxes," cockpit voice and flight data recorders, and various navigational components.
12 Mr. Fadaie also supervised the Battery Shop, which charged, repaired and overhauled
13 the main and emergency batteries for Alaska airplanes. Additionally, Mr. Fadaie
14 supervised the Wire Shop. Work performed there included the rebuilding and repair
15 of main engine harnesses, pressure switches and igniter leads. Mr. Fadaie was also in
16 charge of the system wide Alaska Air tool program. Aside from supervision of the
17 employees, he was responsible for the purchase of tools, the annual inventory, and
18 system-wide tool calibration.

21 4.11 Mr. Fadaie also was involved in the hiring process for open positions in
22 the several work areas he supervised. In addition, Mr. Fadaie was responsible for
23 monitoring his departmental budgets, completing expense justifications, as needed,
24 coordinating work with other departments within the Alaska Air system, including the

1 monitoring of engineering orders, and maintaining and expanding communication
2 with outside vendors.

3 4.12 Mr. Flowers gave Mr. Fadaie excellent evaluations in 1999 and 2000.

4 4.13 In 1999, while Mr. Flowers was visiting Mr. Fadaie's home, he said,
5 "You are one of the good Iranians", with the clear implication that Mr. Flowers did not
6 view other Iranians in a favorable light.

7 4.14 In 1999, Mr. Fadaie hired an African-American mechanic. While
8 under probation, this individual had several episodes of tardiness. Mr. Fadaie
9 discussed the issue with Mr. Flowers. Mr. Flowers' response was, "Get rid of him."
10 Later that day Mr. Flowers, told Mr. Fadaie, "Now you know not to hire blacks."

12 4.15 Mr. Fadaie reported Mr. Flowers' discriminatory statements regarding
13 the African American mechanic to Celeste Green, a Human Resources Recruiter at
14 Alaska Air. As a result of Mr. Fadaie's report, Alaska Air began an investigation.

15 4.16 In December 1999 after hearing of Mr. Fadaie's complaint about his
16 supervisor's statement regarding the African-American mechanic, Art Fitzpatrick, the
17 Alaska Air Director of Base Maintenance, visited Mr. Fadaie in his office several
18 times. Mr. Fitzpatrick used expletives to express his dissatisfaction with Mr. Fadaie's
19 reporting of Mr. Flowers' discriminatory statements to the Human Resources
20 Department. Mr. Fitzpatrick told Mr. Fadaie, "You have lost every friend you have
21 here by reporting this," or words to that effect. He also told Mr. Fadaie he "would be
22 fired." In a subsequent conversation with Mr. Fadaie, Mr. Flowers told Mr. Fadaie to
23 change his statement concerning Flowers' remark about not hiring blacks. Mr.
24

1 Flowers told Mr. Fadaie to inform Headquarters that perhaps Mr. Fadaie heard Mr.
2 Flowers incorrectly or said something that Mr. Fadaie did not understand. Mr. Fadaie
3 told Mr. Flowers he could not change the statement, because it was true.

4 4.17 On January 14, 2000, Mr. Fitzpatrick asked Mr. Fadaie if he could have
5 heard Mr. Flowers' statement incorrectly. Mr. Fitzpatrick continued to inform Mr.
6 Fadaie that his friendships at work were over.

7 4.18 Mr. Fitzpatrick ultimately completed the investigation into Mr.
8 Flowers' discriminatory statements regarding the African American mechanic. On
9 information and belief, Mr. Flowers received no discipline by Alaska as a result of
10 having made the discriminatory statements.

12 4.19 On January 31, 2000, Alaska Air flight 261 crashed off the coast of
13 California. On information and belief, the Federal Aviation Administration ("FAA")
14 and the National Transportation Safety Board ("NTSB") began separate investigations
15 to determine the cause of the crash. On information and belief, one or more
16 investigation began to focus on the possibility that a "jackscrew" may have failed, and
17 thereby caused the crash.

19 4.20 In 2000, the FAA contacted Alaska Air seeking information about the
20 tools used to work on the jackscrew. Some tools used by Alaska Air mechanics were
21 manufactured by an original equipment manufacturer ("OEM") according to the
22 OEM's specifications. Other identical tools used by Alaska Air mechanics were
23 manufactured by Alaska Air employees at Alaska Air facilities ("in house tools").
24 The FAA directed Alaska Air to ensure that all in house tools used on the jackscrew

1 and other parts of the airplanes were in conformity with OEM specifications
2 (hereinafter "tool conformity inspection").

3 4.21 On August 15, 2000, Alaska Air published a revised General
4 Maintenance Manual requiring that in house tools and test equipment be manufactured
5 according to OEM specifications or Alaska Air's engineering specifications and
6 requiring, as a matter of practice, that inspection personnel perform a tool conformity
7 inspection for all tools.

8 4.22 In August 2000, Mr. Fadaie applied for the position of Manager Tool
9 Control at Alaska Air. This was a newly created position within the company. Mr.
10 Fadaie was well qualified for the position, as he had been supervising the tool crib
11 successfully for several years.

13 4.23 On or about October 4, 2000, Mr. Fadaie met with Alaska Air Vice
14 President of Maintenance and Engineering, Brian Hirshman, and informed him that
15 the tool conformity inspection had not been completed. In response, Mr. Hirshman
16 said, "It's done." Mr. Fadaie once again stated, "No sir, it is not done." To which Mr.
17 Hirshman strongly said, "that is absolutely not true", and added , "I'm going to talk to
18 Alan [Flowers]." In fact, as of October 2000, no tool conformity inspection had been
19 completed at either the Oakland or Seattle facilities of Alaska Air. At the Seattle
20 facility alone, more than 100 tools were never subjected to a tool conformity
21 inspection check and were still in use.

23 4.24 On or about October 4, 2000, Mr. Fadaie visited the home of Mr.
24 Flowers, who was home with an injury. During the visit, Mr. Fadaie told Mr. Flowers
25

1 again that the tool conformity inspection was not done. Mr. Fadaie also informed Mr.
2 Flowers of the conversation earlier in the day with Mr. Hirshman.

3 4.25 On October 5, 2000, Mr. Fadaie sent an email to Alan Flowers
4 indicating that the tool conformity inspection still had not been completed.

5 4.26 On or about October 5, 2000, Alaska Air falsely informed the FAA that
6 all in house tools had been conformed or quarantined.

7 4.27 On or about October 6, 2000, Don Cestari, an Alaska Air employee
8 acting as a liaison with to the FAA informed Mr. Fadaie that he had a letter from
9 Alaska Air, signed by Mr. Flowers, indicating that the tool conformity inspection had
10 been completed and that the tools were either conformed or quarantined. Mr. Fadaie
11 told Mr. Cestari that the tool conformity inspection was not completed. In response,
12 Mr. Cestari responded, "Thank you Manny. You are an honest man ." Manny is a
13 nickname for Mr. Fadaie.

14 4.28 On information and belief, Alaska Air communicated to the FAA that
15 the tool conformity inspection had been completed and that the tools were either
16 conformed or were quarantined. The representations in the letter were false in whole
17 or in part.

18 4.29 On November 6, 2000, Mr. Flowers told Mr. Fadaie, "Brian Hirshman
19 has it in for you. He will make you the 'fall guy' for the tool conformity inspection
20 check. He will never promote you. In fact, he will wait until everything is normal.
21 Six months to a year later when you are feeling good, he will hand you your pink
22 slip."

1 4.30 In November 2000, instead of hiring Mr. Fadaie, Jim Dart, a Caucasian
2 native-born American who was substantially less qualified, was hired for the position
3 of Manager Tool Control at Alaska Air. On information and belief, Mr. Dart is
4 Christian, had not opposed discriminatory practices by Alaska Air, and had not
5 opposed Alaska Air's efforts to disregard FAA safety and maintenance requirements.
6 On information and belief, Mr. Dart had produced tools to use on Alaska Air airplanes
7 that did not conform to specifications required by the FAA, and Alaska was aware of
8 this fact when it promoted him in place of Mr. Fadaie.
9

10 4.31 In approximately November 2000, Mr. Flowers provided a supervisor
11 of Alaska Air's Interior Shop with a tool conformity inspection spreadsheet. Mr.
12 Flowers asked the supervisor to have the Tool Crib Lead Mechanic, George Gwilliam,
13 complete and sign the document indicating that the tool conformity inspection had
14 been done. The supervisor reported back to Mr. Flowers that Mr. Gwilliam refused to
15 sign the document. Mr. Flowers then asked that Mr. Fadaie, Mr. Gwilliam's
16 supervisor, demand that the Tool Crib Lead sign the spreadsheet. Mr. Fadaie was
17 further directed to complete and sign the spreadsheet if Mr. Gwilliam continued to
18 refuse. Mr. Fadaie asked Mr. Gwilliam what the problem was. Mr. Gwilliam said
19 something to the effect, "[i]f they want us to do illegal things, just tell me, and I will
20 sign it, but I will report it to HQ." Mr. Gwilliam informed Mr. Fadaie that he did not
21 even have the tools available to complete the tool conformity inspection check. Mr.
22 Fadaie reassured Mr. Gwilliam that he did not expect him to sign a document if the job
23 has not been completed. Mr. Fadaie returned the unsigned document to Mr. Flowers
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1 and told him that he should refer to the General Maintenance Manual where it clearly
2 states tools must be on hand for inspection. At a subsequent meeting, in response to
3 Mr. Fadaie's actions, Mr. Flowers accused Mr. Fadaie of "not being a fucking team
4 player." Art Fitzpatrick, Director of Base Maintenance, and Jim Dart, another
5 supervisor, arrived at Mr. Flower's office later. Mr. Fadaie was sent home. As Mr.
6 Fadaie was leaving, Mr. Fitzpatrick stated, "You give a fucking guy a chance and he
7 drags you down."

8 4.32 In a letter dated, December 3, 2000, Mr. Fadaie again told Mr.
9 Hirshman that the tool conformity inspection had not been completed.

10 4.33 On information and belief, on or about December 5, 2000, Mr.
11 Hirshman directed Alaska Air mechanics to use a quarantined tool in the completion
12 of an aircraft repair, after he was expressly advised the tool was quarantined because it
13 was not conformed. Upon hearing that the "quarantined tools" were being used, Mr.
14 Fadaie told the engineering department that those tools cannot be used. On
15 information and belief, a quarantined tool was used. Upon hearing that the tool was
16 being used, Mr. Fadaie told the engineering department to stop using quarantined
17 tools.

18 4.34 On information and belief, Mr. Hirshman took no action to correct the
19 false document or to notify the FAA that the tool conformity inspection had not been
20 completed.

21 4.35 At a Christmas party in December 2000, Mr. Fadaie had a conversation
22 with John Kelly, then CEO of Alaska Air. Several issues were discussed, including
23

1 that the tool conformity inspection was not complete, and that management was
2 pressuring Mr. Fadaie to agree that it was complete. In this discussion Mr. Fadaie also
3 raised his concern for Alaska Air's practice of placing non-technical managers, such
4 as Sheet Metal or Interior personnel, in charge of technical departments, such as the
5 Avionics Shop. These individuals had little or no knowledge of the areas they were
6 required to supervise. The engineering department was also discussed. Mr. Fadaie
7 reported to Mr. Kelly that he believed that the lack of work force in the engineering
8 department at Alaska was resulting in the needs of the Avionics Shop being ignored.
9
10 Mr. Fadaie also complained about his failure to be promoted to the Tool Control
11 Manager position, his conflicts with Mr. Flowers and Mr. Flowers' improper
12 admonition not to hire blacks. Mr. Kelly responded that he would look into Mr.
13 Fadaie's concerns. He said, "Give me two weeks and I'll take care of it."
14

15 4.36 In approximately January 2001, during a meeting with Mr. Fadaie and
16 the Avionics Shop mechanics, Mr. Flowers congratulated staff that the Avionics Shop
17 tool conformity inspection had been completed in such a short time: November 9th to
18 November 16th, 2000. After the gathering, Mr. Fadaie told Mr. Flowers that was not
19 correct, and that the Avionics Shop tool conformity inspection was not done.

20 4.37 On January 5, 2001, Mr. Fadaie met with Alaska Air managers,
21 including Brian Hirshman, Mickey Cohen, Senior Vice President of Maintenance and
22 Engineering and Dave Prewitt, Vice President of Safety. They asked Mr. Fadaie what
23 he had told John Kelly in the December conversation. Mr. Fadaie reiterated that the
24 tool conformity inspection was not done, summarized concerns regarding Mr.
25

1 Flowers, apprised them of practices in the engineering department at Alaska Air that
2 threatened the safety of Alaska Air flights, and discussed his knowledge of racial
3 discrimination at Alaska Air.

4 4.38 In January 2001, at a Leadership Conference of management personnel,
5 Mickey Cohen spoke before the large group. Towards the beginning of his
6 presentation, he brought up the issue of management personnel "back stabbing" other
7 management personnel. He was referring to employees who complained to
8 Headquarters about other employees. This statement was relayed to the mechanics
9 "on the hanger floor." Several mechanics and management personnel asked Mr.
10 Fadaie whether he was the "back stabber" Mr. Cohen had alluded to.

12 4.39 On information and belief, in January 2001 several mechanics wrote to
13 Alaska Vice President, Bill Ayers to express their concern that Mr. Cohen wished
14 them to refrain from reporting problems to Headquarters, even if the supervisors were
15 failing to address such problems.

17 4.40 On January 18, 2001, Mr. Fadaie wrote to Martin Knox, Acting
18 Manager, Avionics and Support Shops, indicating that the tool conformity inspection
19 was not completed.

20 4.41 In March 2001, Thom Deason was hired and took over the management
21 position of Alan Flowers. Mr. Deason had no prior avionics experience. Mr. Deason
22 regularly attempted to convert Mr. Fadaie to Christianity. Mr. Fadaie refused to
23 convert.

1 4.42 In March 2001, Mr. Fadaie explained the tool conformity inspection
2 issue to Mr. Deason. Mr. Deason told Mr. Fadaie that the tool conformity inspection
3 issue would be taken care of later.

4 4.43 On May 3, 2001, apparently believing Mr. Fadaie had repeated Mr.
5 Cohen's "back stabbing" statement noted in paragraph 4.38 to the mechanics, Mr.
6 Cohen confronted Mr. Fadaie near the engineering department. He angrily told Mr.
7 Fadaie that he had "loose lips." In fact, Mr. Fadaie had not repeated the statement.
8 Mr. Fadaie scheduled an appointment with Mr. Cohen to discuss this issue further as
9 well as to open up the dialogue regarding tool conformity inspection, engineering,
10 advancement of the Avionics Shop and the loss of the Tool Control Management
11 position. At this meeting Mr. Cohen asked Mr. Fadaie if he had received any training
12 via the Company contracted management courses. Mr. Fadaie responded, "No", to
13 which Mr. Cohen told him that he would arrange, through Mr. Hirshman, for Mr.
14 Fadaie to receive this training. Mr. Fadaie never heard anything about this topic again,
15 nor was any management training offered to him.
16

18 4.44 In May 2001, Gus Merizalde, Managing Director of Powerplants,
19 Shops and Tooling, told Mr. Fadaie that Mickey Cohen requested that he talk to him.
20 At a meeting, Mr. Fadaie discussed with Mr. Merizalde many of the same issues he
21 had reviewed with Mr. Cohen in their meeting of May 4, 2001.

22 4.45 On October 22, 2001, and several times thereafter, Mr. Fadaie reported
23 to Mr. Merizalde and to Mr. Deason that the flight data recorders from the airplanes
24 being serviced were not being read in accordance with federal regulations. The
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1 applicable regulations required that the information be maintained (and therefore
2 read) within sixty days of downloading the data. Instead, reading the recorders from
3 Alaska Air aircraft was taking up to fourteen months. This lack of timely oversight
4 undermined the efficacy of maintenance and therefore of air safety at Alaska Air. Mr.
5 Fadaie informed management that software needed to be written and purchased in
6 order to read the flight data recorders in-house, and that he had obtained several price
7 quotes for such software. However, his request to purchase the software was ignored,
8 thereby permitting continued violations of federal regulations and Alaska Air rules.
9

10 When Mr. Fadaie complained further, he was told by Mr. Deason to stay in "his box."
11 Mr. Fadaie responded that the violations affected his department, affected "his box,"
12 or words to that effect. Alaska Air eventually purchased the software from a vendor
13 with whom Mr. Fadaie had established contact, shortly after Mr. Fadaie was demoted
14 to the position of mechanic.
15

16 4.46 On or about November 2, 2001 Mr. Fadaie stopped the installation of a
17 wingtip on an Alaska aircraft. There was no paperwork attached to the wingtip
18 indicating what type of repair had been completed, as required by Alaska Air policies
19 and FAA regulations. The part number and serial number assigned to the part
20 indicated that it was already in place on a different aircraft. Mr. Fadaie refused to
21 allow the wingtip to be used. In fact, he quarantined the item until the conflicting
22 information attached to the wingtip was resolved and the missing paperwork was
23 located. Mr. Deason was angry with Mr. Fadaie and his decision, because it resulted
24 in a delay.
25

1 4.47 In early 2002, Mr. Deason gave Mr. Fadaie a Christian Bible written in
2 Farsi. Mr. Fadaie accepted the gift, but told Mr. Deason that he would not convert to
3 Christianity. Subsequent to that statement, Mr. Deason began to treat Mr. Fadaie in an
4 unfriendly and critical manner.

5 4.48 In an email dated February 2002 Mr. Fadaie notified Mr. Merizalde and
6 Mr. Deason of a continuing failure of the Engineering Department to correctly process
7 the Manufacturer Service Bulletins. This failure caused inconsistencies between
8 vendor standards and the standards under which in-house repairs were performed, and
9 therefore to poor maintenance and potentially unsafe equipment on the aircraft. It also
10 caused delays in repairs, since mechanics were forced to locate and notify Engineering
11 of pertinent Service Bulletins rather than the other way around. Mr. Fadaie and the
12 Avionics Shop mechanics had been complaining about this problem for years. Mr.
13 Deason's response was, "I have said (so has Gus) that we cannot undo 75 years of
14 system problems in a few months, and it could take years." Mr. Deason also wrote to
15 Mr. Fadaie that "Remember that you also need to stay inside your boundaries as a
16 supervisor." Mr. Fadaie was frequently told by Mr. Deason and Mr. Merizalde that he
17 "needed to stay inside his box" on a variety of issues, meaning Mr. Fadaie was to stop
18 complaining about safety issues.

21 4.49 In April 2002, Mr. Fadaie was put on probation, which is a form of
22 progressive discipline. Gus Merizalde and Thom Deason informed Mr. Fadaie that he
23 was not meeting the expectations of his position. Mr. Fadaie was also given a
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1 corrective action letter. Thom Deason played a principal role in the decision and
2 authored the corrective action letter.

3 4.50 Repair work in the shops supervised by Mr. Fadaie required specific
4 tooling identified in the *Component Maintenance Manual*. It was incumbent upon Mr.
5 Fadaie to see that those tool needs were met. There were many instances when Mr.
6 Fadaie would complete a purchase requisition for tools, forward it on to Mr. Deason,
7 who then would fail to make the purchase. While Mr. Fadaie was “under the
8 corrective performance plan,” this situation occurred so frequently that his mechanics
9 made a point of telling Mr. Fadaie that he “was being set up to fail.” On one occasion,
10 during a meeting attended by Mr. Fadaie, Mr. Deason, Mr. Merizalde, Mr. Dart and
11 Mr. Gwilliam, Mr. Merizalde became angry about the absence of a part and
12 complained to Mr. Fadaie that he was doing Mr. Fadaie’s job. In fact, Mr. Fadaie had
13 completed the order for the part some 8 months earlier, but Mr. Deason had failed to
14 process the order. As Mr. Fadaie attempted to tell Mr. Merizalde that Mr. Deason was
15 given the paperwork long ago, Mr. Deason interrupted the conversation and stated,
16
17 “This is not the time to discuss it.”

18 4.51 In July 2002, Mr. Deason informed Mr. Fadaie that he was not meeting
19 the job expectations as set forth in the performance plan. Mr. Deason told Mr. Fadaie
20 to “go back to the floor” so Alaska Air could “fill your space.” Mr. Fadaie was
21 demoted to the position of mechanic, which is covered by a collective bargaining
22 agreement.

1 4.52 Alaska Air has falsely claimed that Mr. Fadaie's performance as a
2 supervisor was inadequate, and that the Avionics and Wire shops, which he
3 supervised, had difficulties with production controls and in establishing metrics and
4 measures.

5 4.53 In July 2002, Mr. Fadaie's union grieved the demotion contending that
6 a supervisor could not be sent back to a union position unless there was a true
7 reduction in workforce. At the time of the demotion, Alaska Air was aware that
8 demoting Mr. Fadaie in circumstances that were unrelated to a workforce reduction
9 would result in the union filing a grievance. Alaska Air initially rejected the union
10 grievance and Mr. Fadaie remained a mechanic.

12 4.54 In October 2002, Mr. Fadaie filed an administrative complaint with
13 OSHA alleging he was being punished for disclosing improper conduct by Alaska Air.
14

15 4.55 On or about October 10, 2002, Mr. Fadaie reported the improper
16 actions of his managers to the Washington DC office of the FAA. Upon investigation,
17 Dean Hamilton, and other local FAA investigators, told Mr. Fadaie, "You are right.
18 They [Alaska Air] falsified information."

19 4.56 In January 2003, the FAA reported that it had found Alaska Air in
20 violation of at least one FAA "order, regulation or standard relating to air carrier
21 safety," based on information Mr. Fadaie had provided about Alaska Air to the FAA.
22

23 4.57 As a result of Mr. Fadaie's October 2002 complaint to the FAA, the
24 Avionics Shop was closed down for a complete tool conformity inspection check in
25 early 2003. Mr. Fadaie, along with other avionics mechanics, was involved in tool

1 conformity inspection checking of all in-house made equipment and test panels. A
2 test panel is an electrical panel used to test equipment. Test panels were also subject
3 to tool conformity inspection. Mr. Fadaie became aware that six or seven non-
4 conforming oven test panels were being put into service and certified as having been
5 through the tool conformity inspection even though they had not been conformed. Mr.
6 Fadaie advised Supervisor Robert Creamer and Mr. Deason that the use of the panels
7 was improper and that the tool conformity inspection paperwork had been completed
8 improperly.

9 4.58 On February 12, 2003, Mr. Fadaie put together a list of tools that still
10 needed to be conformed in the shop. The lengthy list was forwarded to Bob Creamer,
11 the new Avionics Shop Supervisor and Thom Deason. The following day, Mr.
12 Merizalde removed Mr. Fadaie from any active part in the tool conformity inspection
13 check. Mr. Fadaie was told not to talk to the mechanics or give them any direction
14 regarding tool conformity inspection. Mr. Fadaie was also told not to provide any
15 documentation to the mechanics who were working on the tool conformity inspection.
16

17 4.59 On February 13, 2003, Mr. Fadaie informed Dean Hamilton, the FAA
18 investigator, that non-conformed test panels were being placed in service and certified
19 as conformed.

20 4.60 In March 2003, OSHA found that Mr. Fadaie had made disclosures to
21 the FAA concerning safety violations by Alaska Air. OSHA also found that the
22 justification Alaska Air provided to OSHA for demoting Mr. Fadaie was incredible.
23 However, OSHA found insufficient evidence to support Mr. Fadaie's administrative
24

1 complaint of retaliation, because some other Alaska Air employees who made such
2 disclosures were not demoted.

3 4.61 In April 2003, Mr. Fadaie met with Scott Lautman, Manager of
4 Employee Relations, at which time Mr. Fadaie was asked if he was going to appeal the
5 OSHA finding. Mr. Fadaie told Mr. Lautman that he would not appeal.

6 4.62 In May 2003, Alaska Air promoted Mr. Fadaie back to the position of
7 supervisor by approving the union grievance, and then promptly terminated Mr.
8 Fadaie.

9 4.63 The intentional actions of Alaska Air caused Mr. Fadaie severe
10 emotional distress.

11 4.64 Alaska Air is liable for the actions of its employees and agents under
12 the doctrine of respondeat superior.

13 V. First Cause Of Action For Wrongful Discharge

14 5.1 Plaintiffs reallege paragraphs one through four, inclusive, of the
15 complaint, and hereby incorporate the same by reference.

16 5.2 The facts set forth above state a claim against Alaska Air for wrongful
17 discharge in violation of state and federal public policies of promoting worker safety,
18 protecting public safety, of prohibiting false statements to government agencies or
19 investigators, and protecting those who report violations of these policies.

20 VI. Second Cause of Action for Retaliation

21 6.1 Plaintiffs reallege paragraphs one through four, inclusive, of the
22 complaint, and hereby incorporate the same by reference.

1 6.2 The facts set forth above state a claim against Alaska Air for a
2 continuing violation of the Washington Law Against Discrimination (RCW 49.60.180,
3 et. seq.) for intentional retaliation against Mr. Fadaie for reporting one or more
4 violations of this statute.

5 VIII. Third Cause of Action for Religious/ National Origin Discrimination

6 8.1 Plaintiffs reallege paragraphs one through four, inclusive, of the
7 complaint, and hereby incorporate the same by reference.

8 8.2 The facts set forth above state a claim against Alaska Air for a
9 continuing violation of the Washington Law Against Discrimination (RCW 49.60.180,
10 et. seq.) for intentional religious and/or national origin discrimination against Mr.
11 Fadaie.

12 IX. Fourth Cause Of Action For Outrage

13 9.1 Plaintiffs reallege paragraphs one through four, inclusive, of the
14 complaint, and hereby incorporate the same by reference.

15 9.2 The facts set forth above state a claim against Alaska Air for outrage.

16 X. Fifth Cause Of Action For Negligent Infliction of Emotional Distress

17 10.1 Plaintiffs reallege paragraphs one through four, inclusive, of the
18 complaint, and hereby incorporate the same by reference.

19 10.2 The facts set forth above state a claim against Alaska Air for negligent
20 infliction of emotional distress.

XII. Prayer For Relief

WHEREFORE, plaintiffs pray for relief as follows:

11.1 Damages for back pay, front pay, lost benefits, and medical expenses in excess of \$75,000;

11.2 Damages for loss of enjoyment of life, pain and suffering, mental anguish, emotional distress, injury to reputation, and humiliation in excess of \$75,000:

11.3 Prejudgment interest in an amount to be proved at trial:

11.5 Reasonable attorney's fees and costs:

11.6 The income tax that must be paid on the aggregate of the above

compensation in an amount to be proven after trial:

11.6 Injunctive relief:

11.7 Whatever further and additional relief the court shall deem just and equitable

V. DEMAND FOR JURY

5.1 Plaintiffs hereby demand that this case be tried before a jury.

Dated this 30th day of July, 2003.

Sheridan & Baker, P.S.

By:

John P. Sheridan, WSBA # 21473
Randy Baker, WSBA #27421
Attorneys for Plaintiff